IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.R.No. 4708 of 2006 (O&M)

Date of decision : 7.9.2006.

Tarsem Singh

.....Petitioner.

Versus

M/s Kissan Commission Agents Mamdot.

.....Respondent.

****

Present: Mr.Ashok Aneja,Advocate
for the petitioner.

****

VINOD K. SHARMA, J. (ORAL)

C.R.No. 4708 of 2006

This revision petition has been filed against the order dated 29.4.2004 passed by the Additional District Judge, Ferozepur vide which the application moved by the petitioner for condonation of delay has been declined on the ground that in spite of framing of issue as to whether there were sufficient grounds to condone the delay in filing the appeal, no evidence was led nor the petitioner himself appeared in the witness box to support his contention, mentioned in the application.

Learned counsel for the petitioner relied upon the unreported judgment in the case **Smt.Sandhya Rani Sarkar Vs. Smt. Prem Lata Das & Others** U.J. (S.C.) 1978 page 62 to contend that once the petitioner had filed an affidavit along with an application for condonation of delay and there were no counter affidavits filed in reply to the said application, the application for condonation of delay should have been allowed.

Learned counsel for the petitioner further relied upon the judgment of the Hon'ble Supreme Court in **Jokhu Ram Verma Versus District Judge, Faizabad and others,**1998(2) Latest Judicial Reports 332 to contend that when an application along with affidavit is filed and no counter affidavit is filed by the respondents, it was held that it was not open to the lower courts to disbelieve the facts stated in the affidavit.

I have gone through the judgments. In the said cases no issues were framed requiring the parties to lead evidence. In the present case the specific issues were framed. In spite of two opportunities having been given to the petitioner, he failed to produce any evidence. In the absence of any evidence led on issue No.1, the Court had no option but to dismiss the application.

There is no error or illegality in the order which may call for interference by this Court.

Dismissed.

C.M.No.17952-CII of 2006

In view of the fact that there is no merit in the revision petition, the application for condonation of delay is also dismissed.

September 7,2006. **(VINOD K. SHARMA)**
'sp' **JUDGE**